

## REMARKS

Claims 4, 6, and 8 stand rejected under 35 USC 112, second paragraph. Claims 3-6 stand rejected under 35 USC 103 as being unpatentable over a published article by Germeraad in view of a published article by Klenz. Claims 6 and 8 stand rejected under 35 USC 103 as being unpatentable over a published article by Germeraad in view of a published article by Klenz in further view of a published article by Fowler.

Response to Rejections Under Section 112:

Applicant has revised claim 4 to eliminate the deficiency. Applicant respectfully requests the 35 USC 112 rejection of claim 4, and claims 6 and 8, which inherited the claim 4 deficiency, be withdrawn.

Response to Rejections Under Section 103:

Applicant notes that Examiner initially states in paragraph 7 that claims 3-6 are rejected by Germeraad in view of Klenz, and then discusses rejections of claim 3-5, and 7. Applicant assumes, based on the similarity of claim 5 to claim 7, and claim 6 to claim 8, and the separate rejection of claims 6 and 8, that Examiner intended to state in paragraph 7 that claims 3-5, and 7 were rejected by Germeraad in view of Klenz. Applicant notes this solely in an effort to ensure Examiner that Applicant is attempting to fulfill his duty to address each rejection presented, should Applicant have misunderstood the rejection.

Claim 3 originally included the phrase “with the changes over time of the actual characteristic variables being included.” Applicant has amended claim 3 to remove this language and replace it with language that more clearly describes Applicant’s meaning. This material is supported at least by paragraphs 10 (“forecast values”), 12 (“forecasts”), 13 (“early warning system”), 14 (“preview”), and the bulk of paragraphs 16 and 17, which discuss “trends to be predicted,” “typically the next 24 hours” inter alia.

In amended claim 3 Applicant claims in relevant part “identifying trends for each sub-aspect based on the plurality of ideal characteristic variables,” “choosing a future point in time,” “defining a desired target at the future point in time for each sub-aspect based on the identified trends,” “deriving values for the actual characteristic variables of the sub-aspects at the future

point in time based on the actual characteristic variables of the sub-aspects at the observation point in time,” and “calculating a plurality of deviations of the actual characteristic variables of the sub-aspects from the corresponding ideal characteristic variables of the sub-aspects up to the future point in time.” As Applicant understands, the Germeraad reference teaches the use of spider diagrams based on information available up to the point of compiling the information. The Klenz reference teaches the use of statistical process control (SPC). As Applicant understands, SPC utilizes existing data up to the point of compiling the data. Both references thus look “back,” while Applicant claims looking not only “back” but “forward” in time as well, using the amended claim language mentioned above. Thus, Germeraad, Klenz, and knowledge evidenced by Official Notice do not teach or suggest amended claim 3. Applicant respectfully requests the 35 USC 103 rejection of claim 3, and claim 7, which depends from and includes all the limitations of claim 3, based on Germeraad, Klenz, and knowledge evidenced by Official Notice, be withdrawn.

Claim 4 has been amended and the amendments are supported by the same paragraphs that support the amendments to claim 3. Specifically, claim 4 now claims in relevant part:

determine the actual characteristic variables of the sub-aspects of the process flow in an observation time period during the process flow and an actual state of the process flow in the observation time period is described by the actual characteristic variables of the sub-aspects; derive values for the actual characteristic variables of the sub-aspects at the future point in time based on the actual characteristic variables of the sub-aspects in the observation time period; and calculate the deviations of the actual characteristic variables of the sub-aspects from the corresponding ideal characteristic variables of the sub-aspects up to the future point in time.

Thus, claim 4 claims looking not only “back” but “forward” in time as well, and as argued above, Germeraad, Klenz, and knowledge evidenced by Official Notice do not teach or suggest amended claim 4. Applicant respectfully requests the 35 USC 103 rejection of claim 4, and claim 5, which depends from and includes all the limitations of claim 4, based on Germeraad, Klenz, and knowledge evidenced by Official Notice, be withdrawn.

Claims 6 and 8 depend from claims 4 and 3 respectively. Claims 6 and 8 have been rejected using the rejections of claims 4 and 3 based on Germeraad and Klenz, as well as the Fowler reference to teach the elements of claim 6 and 8. As argued above, Germeraad and Klenz

Serial No. 10/511,283  
Atty. Doc. No. 2002P06170WOUS

do not teach or suggest all the limitations of claims 4 and 3. Therefore, for a rejection of claims 6 and 8 based on Germeraad, Klenz, and Fowler to be sufficient, Fowler must supply the limitations present in claims 4 and 3 that are not taught by Germeraad or Klenz. As Applicant understands, Fowler teaches control actions to control a controlled variable through a feedback path. Fowler does not teach or suggest the elements of Applicant's amended claims 4 or 3 not taught or suggested by Germeraad or Klenz. Thus, the combination of Germeraad, Klenz, knowledge evidenced by Official Notice, and Fowler, do not teach or suggest all the limitations of claims 6 or 8. Applicant respectfully requests the 35 USC 103 rejection of claims 6 and 8, based on Germeraad, Klenz, knowledge evidenced by Official Notice, and Fowler, be withdrawn.

Conclusion

Applicants respectfully request reconsideration and allowance of the present application in view of the foregoing arguments. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Feb. 9, 2009

By: Janet D. Hood

Janet D. Hood  
Registration No. 61,142  
(407) 736-4234

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830